

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

INNOVATIVE CONCEPT GROUP, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:03-CV-549
)	(PHILLIPS/GUYTON)
FOOD SALES OF TENNESSEE, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter came before the Court on December 15, 2005 for a telephone conference hearing on a discovery dispute. Attorney Shelley Wilson represented the plaintiff. Attorney John Quinn represented the defendants.

The parties previously agreed to a limit of twenty (20) depositions per side. Plaintiff has taken fifteen (15) depositions, with a sixteenth (16) deposition presently scheduled. The plaintiff has identified six (6) more persons it wants to depose for a total of twenty-two (22) depositions. The plaintiff also requests to schedule two (2) “empty slots” depositions, for persons not yet identified, which would bring the total to twenty-four (24).

The defendants oppose the request. The defendants argue that twenty (20) depositions should be adequate, and that more depositions create an unreasonable expense on the defendants.

The Court finds that twenty (20) depositions normally should be adequate to discover a case; however, the nature of the claims and issues in this litigation arguably justify going beyond

that amount. Still, the Court recognizes the defendants' legitimate concern regarding additional cost and expenses.

Accordingly, the Court **ORDERS** that the plaintiff may take a total of twenty-two (22) depositions. Further leave from the Court to take any depositions beyond that number will require a strong showing of good cause.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge